

Notice of Allowability

Application No.

10/625,488

Examiner

L Amerson

Applicant(s)

MISKECH, PETE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/8/06.
2. ☒ The allowed claim(s) is/are 41,42,44 and 46-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/10/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Chupa on March 10, 2006. The application has been amended as follows:

In the claims:

Claim 41 (currently amended)

A method for exercising an individual in both a tensile and a compression mode, said method comprising the steps of:

providing a first rigid frame assembly,

providing a second selectively rotatable frame assembly and coupling said second selectively rotatable frame to said first rigid frame assembly,

providing a seat portion and coupling said seat portion to said second selectively rotatable frame assembly,

providing a pair of independent and selectively rotatable handle portions, and

providing a pair of high-tension cables and coupling said pair of high-tension cables to a respective one of said pair of selectively rotatable handle portions,

causing a movement of a first handle of said pair of handles to rotate said seat portion in a first direction, and

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causing a movement of a second handle of said pair of handles to rotate causes said seat portion to rotate in a second direction,

providing a first arm frame and disposing a first of said pair of handle portions within said first arm frame,

providing a second arm frame and disposing a second of said pair of handle portions within said second arm frame,

providing a first and second selectively adjustable elbow sling,

disposing said first selectively adjustable elbow sling within said first arm frame,

disposing said second selectively adjustable elbow sling within said second arm frame,

allowing said individual to place a first elbow within said first elbow sling and grasp said first handle with a first hand,

allowing said individual to place a second elbow within sling and grasp said second handle with a second hand,

providing an axle portion having a first side and a second side and coupling said axle portion to said first rigid frame assembly,

providing a first shock absorption joint having a first aperture formed there through and causing said first side of said axle portion to receive said first shock absorption joint through said first aperture,

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providing a second shock absorption joint having a second aperture formed there through and causing said second side of said axle portion to receive said second shock absorption joint through said second aperture,

providing a first extension arm having a first end and a second end,

coupling said first end of said first extension arm to said first arm frame and coupling said second end of said extension arm to said first shock absorption joint,

providing a second extension arm having a first end and a second end,

coupling said first end of said second extension arm to said second arm frame and

coupling said second end of said second extension arm to said second shock absorption joint,

providing a third extension arm having a first end, a second end, and a plurality of through apertures,

coupling said first end of said third extension arm to said first shock absorption joint,

providing a fourth extension arm having a first end and a second end,

coupling said first end of said fourth extension arm to said second shock absorption joint, and

coupling each of a pair of high tension cables to a respective one of said third and fourth extension arms through one of said plurality of apertures of said third and fourth extension arms.

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Cancel claims 43 and 45.

Claim 44 (currently amended), line 1, "claim 43" has been changed to --claim 41--.

Claim 46 (currently amended), line 1, "claim 45" has been changed to --claim 41--.

2. The following is an examiner's statement of reasons for allowance: the prior art of Fulks shows an apparatus for mechanical emulation of dumbbells having a rigid frame, a seat, rotatable levers coupled to the rigid frame and a pair of rotatable handle portions connected to the levers; Carter et al shows an exercise machine for exercising multiple muscles having a rigid base, a bench, rotatable lever arms coupled to the frame and a pair of handles, which are rotatable thru user wrist movement, coupled via a cable to the lever arms; Studdard shows a reclining chair for rest and exercise that mimics natural body movement having a rigid frame, a seat, pivoting arm members attached to the rigid frame and loop handles at the end of cables which are attached to pivoting members and swivel handles connected to connecting rods which are attached to pivoting members, but the prior art of record fails to teach or suggest singularly or an obvious combination of a method for exercising in a tensile and compression mode comprising the steps of providing a first arm frame and disposing a first pair of handle portions within the first arm frame, and providing a second arm frame and disposing a second pair of handle portions within the second arm frame, providing a first and second selectively adjustable elbow sling, and disposing the first selectively adjustable elbow sling within the first arm frame, and disposing the second selectively adjustable

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elbow sling within the second arm frame, and allowing an individual to place a first elbow within the first elbow sling and grasp the first handle with a first hand, and then allowing the individual to place a second elbow within the sling and grasp the second handle with a second hand, and providing an axle portion having a first side and a second side and coupling the axle portion to the first rigid frame assembly, providing a first shock absorption joint, providing a second shock absorption joint, providing a first extension arm having a first end and a second end, and coupling the first end of the first extension arm to the first arm frame and coupling the second end of the extension arm to the first shock absorption joint, providing a second extension arm having a first end and a second end, and coupling the first end of the second extension arm to the second arm frame and coupling the second end of the second extension arm to the second shock absorption joint, providing a third extension arm having a first end, a second end, and coupling the first end of the third extension arm to the first shock absorption joint, and providing a fourth extension arm having a first end and a second end, and coupling the first end of the fourth extension arm to the second shock absorption joint as recited in claim 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori Amerson